



Complaints report: Blackout AG (China)

FWF is responsible for setting up a complaints procedure in production countries where FWF is active. The complaints procedure allows third parties to make complaints about the working conditions or the way the Code of Labour Practices is implemented in factories which supply FWF members.

The responsibility of FWF includes investigating the complaint, verifying whether the agreed corrective action plan is implemented and public reporting. This complaint report gives an overview of a complaint filed to FWF, the investigation and agreed corrective action plan as well as how the outcome is verified. For more information on the complaints procedure see the FWF website. FWF also publishes an overview of complaints received in its annual reports.

1. Affiliate involved

Blackout AG.

2. Accused party

The complaint has been filed against a factory in China which is a supplier of FWF affiliate Blackout AG.

3. Date of receipt complaint

The complaint was received by the local complaints handler of FWF in China on 16 July 2010.

4. Filing party

One worker of the factory whose contact details are known to FWF but will be kept confidential.

5. The case

The complaint touched upon the FWF Labour Standard 'A legally binding employment relationship':

FWF received a complaint from a worker on 16 July 2010 with regard to the fact that his former employer refused to pay his wages until his date of resignation from the factory. According to the plaintiff the employer had not provided him a copy of his labour contract.



6. Admissibility

On 19 July 2010 FWF decided that the complaint is admissible as it relates to the Code of Labour Practices and the involved factory has an active business relationship with an affiliate member of FWF.

7. Investigation

Blackout AG requested an immediate response from management of the factory on the above mentioned complaint (20 July). Additional information was requested and received by Blackout AG until the date of closing the complaint.

The local complaints handler of FWF in China contacted the plaintiff on several occasions between (20 July and 10 August).

FWF assessed the outcomes of an audit that was carried out at the factory on behalf of Blackout AG on March 17 and 18 2010.

8. Findings and conclusions

On the basis of gathered information FWF concluded that that the complaint was grounded. As the worker had not received a copy of the labour contract from his employer and as the employer had not contributed social insurance for the worker, no legally binding employment relationship existed.

According to Chinese labour law, the worker was entitled to wages for hours worked between June 1 and July 10.

9. Corrective action

On 4 August 2010 the CEO of the supplier informed Blackout AG that the worker could collect his wages at the factory. FWF relayed this information through its local complaints handler to the plaintiff. FWF coordinated contact between the HRM manager of the factory and the worker to ensure that the worker would collect his wages.

On August 31 the worker collected his wages at the factory. Deductions were made for food provided by the factory between June 1 and July 10 and absence leave. The remaining amount was paid to the worker in cash.

10. Verification

The local complaints handler of FWF contacted the worker and the factory on September 7 by phone. Both parties confirmed that the complaint was settled after the cash payment had taken place.